

Page 1 of 16

Permit No.: WA-005227-2

Issuance Date: March 31, 2004

Effective Date: May 1, 2004

Expiration Date: April 30, 2009

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005227-2**

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902**

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

**MILNE FRUIT PRODUCTS, INC.
PO BOX 111
PROSSER, WA 99350**

<u>Facility Location:</u> 804 Bennet Avenue Prosser, Washington 99350	<u>Receiving Water</u> Outfall 001 - Yakima River, via City storm sewer Outfall 002 - Prosser POTW
<u>Water Body I.D. No.:</u> WA-37-1010	<u>Discharge Location</u> Latitude: 46° 12' 19" N Longitude: 119° 46' 14" W
<u>Industry Type:</u> Fruit Juice Processing	

is authorized to discharge in accordance with the special and general conditions which follow.

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS	4
SPECIAL CONDITIONS	5
S1. DISCHARGE LIMITATIONS	5
A. Outfall 001 - Non-contact cooling water	5
B. Outfall 002 - Discharge to Prosser WWTP	5
S2. MONITORING REQUIREMENTS	6
A. Monitoring Schedule	6
B. Sampling and Analytical Procedures	6
C. Flow Measurement	7
D. Laboratory Accreditation	7
E. Request for Reduction of Monitoring	7
S3. REPORTING AND RECORDKEEPING REQUIREMENTS	7
A. Reporting	7
B. Records Retention	8
C. Recording of Results	8
D. Additional Monitoring by the Permittee	8
E. Noncompliance Notification	8
S4. OPERATION AND MAINTENANCE	9
S5. SOLID WASTE DISPOSAL	9
A. Solid Waste Handling	9
B. Leachate	10
S6. SPILL PLAN	10
GENERAL CONDITIONS.....	11
G1. SIGNATORY REQUIREMENTS.....	11
G2. RIGHT OF ENTRY	12
G3. PERMIT ACTIONS.....	12
G4. REPORTING A CAUSE FOR MODIFICATION	13
G5. PLAN REVIEW REQUIRED	13
G6. COMPLIANCE WITH OTHER LAWS AND STATUTES	13
G7. DUTY TO REAPPLY	13
G8. PERMIT TRANSFER	13
G9. REDUCED PRODUCTION FOR COMPLIANCE	14
G10. REMOVED SUBSTANCES	14
G11. TOXIC POLLUTANTS.....	14
G12. OTHER REQUIREMENTS OF 40 CFR.....	14
G13. ADDITIONAL MONITORING	14

G14.	PAYMENT OF FEES.....	14
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS	16

SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	June 15, 2004
S4.	Operations and Maintenance Manual Update	Submitted as necessary	As needed
S6.	Spill Plan Update	Submitted as necessary	As needed
G1.	Notice of Change in Authorization	As necessary	As needed
G7.	Application for permit renewal	1/permit cycle	April 30, 2008 ^a

^a At least one (1) year prior to permit expiration

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Outfall 001 - Non-contact cooling water

Beginning on **May 1, 2004** and lasting through **April 30, 2009**, the Permittee is authorized to discharge non-contact cooling water to the Yakima River via the City storm sewer system, at the permitted location subject to meeting the following limitations:

	EFFLUENT LIMITATIONS: DISCHARGE #001
Parameter	Maximum Daily
Flow	29,000 gallons per day
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.
Temperature	85 Degrees Fahrenheit

B. Outfall 002 - Discharge to Prosser WWTP

The discharge from this facility is subject to limitations established by a user contract between the facility and the City of Prosser. At the time of issuance the contract signed December 23, 2003 is in effect. The effluent limitations in that contract constitute the enforceable limits of this permit. This permit anticipates that the facility and the City may renegotiate the contract during the course of this permit as more information is obtained or production levels change. Upon establishment of a new contract, the facility shall submit within five (5) days the new contract to the Department for approval. Upon approval, the contract will be incorporated into the O & M Manual as a replacement Appendix A and the limitations established in the new contract will become the enforceable limits of this permit.

Additionally, pH shall remain within the range 5.0 to 11.0 at all times.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor the wastewater according to the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
001 Cooling Water	Flow	gallons per day	sump	daily	totalizing flow meter
“	Temperature	Degrees F	cooling tower	daily	grab
“	pH	S.U.	cooling tower	daily	grab
002 Wastewater Effluent	Flow	gallons per day	Lift Station No. 2 wet well	daily	totalizing flow meter
“	BOD ₅	mg/L	Lift Station No. 2 wet well	weekly	24-hour composite
“	BOD ₅	lbs/day	-----	weekly	calculation
“	TSS	mg/L	Lift Station No. 2 wet well	weekly	24-hour composite
“	TSS	lbs/day	-----	weekly	calculation
“	pH	Standard Units	Lift Station No. 2 wet well	weekly	24-hour composite
“	NH ₃ -N	mg/L	Lift Station No. 2 wet well	monthly	24-hour composite
“	NH ₃ -N	lbs/day	-----	monthly	calculation

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise

specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

E. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **May 1, 2004**. Monitoring results shall be received monthly no later than the 15th day of the month following the reporting period. The report shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The approved O&M Manual shall be kept available at the facility and all operators shall follow the instructions and procedures of the manual. The manual shall be reviewed by the Permittee at least annually and updated when necessary. All substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures;
3. Operation and Maintenance of Monitoring Equipment;
4. Sampling Procedures.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S6. SPILL PLAN

The Permittee shall review the plan at least annually and update the plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department, and
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

Page 15 of 16

Permit No.: WA-005227-2

Expiration Date: April 30, 2009

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.